

So Ordered.

Dated: June 7, 2022



Katherine M. Perhach

Katherine Maloney Perhach
United States Bankruptcy Judge

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF WISCONSIN
MILWAUKEE DIVISION**

In re: Chapter 13

Patrick Melvin Souter,
Hope Sharon Souter,
Debtors.

Case No. 19-30573-kmp

**ORDER ON MOTION FOR ABANDONMENT
AND RELIEF FROM THE AUTOMATIC STAY**

On May 14, 2022, U.S. Bank National Association, not in its individual capacity but solely as Trustee for the NRZ Pass-Through Trust VIII ("Creditor") filed a motion for abandonment pursuant to 11 U.S.C. §554 and relief from the 11 U.S.C. §362(a) stay to pursue its lien rights in the property located at 2831 Kenwood Drive, Racine, Wisconsin 53403. On May 19, 2022, the Debtors filed an objection to the Creditor's Motion for Relief from Stay. On May 20, 2022, the Chapter 13 Trustee filed an objection to the Creditor's Motion for Abandonment. The Creditor and the Debtors have agreed to resolve the motion for relief from stay. A copy of their agreement is attached to this order.

Based on the record and the attached agreement, **IT IS ORDERED:**

The stay imposed by 11 U.S.C. §362(a) is modified to the extent necessary to give effect to the conditions stated in the agreement attached to this order. Abandonment pursuant to 11 U.S.C. §554 is denied. The motion is otherwise denied.

This order is a Doomsday Order under this court's Uniform Procedure for Doomsday Orders; it incorporates and is subject to the Uniform Procedure for Doomsday Orders.

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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF WISCONSIN
MILWAUKEE DIVISION**

In re:

Chapter 13

Patrick Melvin Souter,
Hope Sharon Souter,

Case No. 19-30573-kmp

Debtors.

**STIPULATION RESOLVING THE MOTION OF
U.S. BANK NATIONAL ASSOCIATION, NOT IN ITS INDIVIDUAL CAPACITY BUT
SOLELY AS TRUSTEE FOR THE NRZ PASS-THROUGH TRUST VIII
FOR RELIEF FROM THE AUTOMATIC STAY AND DENYING ABANDONMENT**

The undersigned parties hereto submit this Stipulation resolving the motion for relief from the automatic stay and denying abandonment regarding the real property located at 2831 Kenwood Drive, Racine, Wisconsin 53403 and show the Court the following:

WHEREAS, U.S. Bank National Association, not in its individual capacity but solely as Trustee for the NRZ Pass-Through Trust VIII, its successors and/or assignees (hereinafter collectively and at all times material hereto, the “movant”) is represented by its attorneys, Cummisford, Acevedo & Associates, LLC; the debtors, Patrick Melvin Souter and Hope Sharon Souter, are represented by Michelson Law Office; and the Chapter 13 Trustee is Scott Lieske.

Drafted by:

Attorney Michael Acevedo
Cummisford, Acevedo & Associates, LLC
7071 S. 13th Street, Suite 100
Oak Creek, WI 53154
Ph: 414-761-1700
Fax: 414-255-3008

WHEREAS, the post-petition arrearage amount through June 30, 2022 of \$4,883.95 is calculated as follows:

Three (3) mortgage payments at \$902.89 each: (March 2022 through May 2022)	\$2,708.67
One (1) mortgage payment: (June 2022)	\$ 972.78
Less suspense balance:	\$ (35.50)
Attorneys' fees and costs for this motion:	<u>\$1,238.00</u>
Total:	<u>\$4,883.95</u>

NOW, THEREFORE, the parties agree as follows:

IT IS STIPULATED that abandonment pursuant to 11 U.S.C. §554 is denied.

IT IS FURTHER STIPULATED that the debtors shall pay \$4,883.95 to the movant no later than Friday, June 24, 2022. In the event these funds are not received by the movant in a timely manner, counsel for the movant may submit an affidavit of default and proposed order for relief from the stay to the court for signature.

IT IS FURTHER STIPULATED that the movant shall file an amended Notice of Mortgage Payment Change to reflect the correct payment amount commencing June 2022.

IT IS FURTHER STIPULATED that commencing July 2022 and continuing through and including December 2022, the debtors shall tender regular monthly post-petition mortgage payments to the movant in sufficient time to be received by the movant on or before the sixteenth (16th) day of each month. In the event any payment is not received by the movant in a timely manner, counsel for the movant may submit an affidavit of default and proposed order for relief from the automatic stay to the court for signature.

IT IS FURTHER STIPULATED that pursuant to the terms of the Note, and pending further notice, the monthly mortgage payment amount is \$972.78, subject to adjustment due to escrow changes. The mortgage payments shall be mailed to Shellpoint Mortgage Servicing, PO Box 10826, Greenville, SC 29603-0826. Alternatively, the overnight payment address is Shellpoint Mortgage Servicing, Attn: Payment Processing, 55 Beattie Place, Ste. 500MS-501, Greenville, SC 29601.

IT IS FURTHER STIPULATED that commencing January 2023, the debtors shall tender regular monthly post-petition mortgage payments to the movant in sufficient time to be received by the movant on or before the sixteenth (16th) day of each month. In the event any payment is not received by the movant in a timely manner, counsel for the movant may request by letter another hearing upon the motion for relief from the automatic stay to the court for signature.

Dated this 6th day of June, 2022.

Cummisford, Acevedo & Associates, LLC

/s/ Michael Acevedo
By: _____


Michael Acevedo, #1022634
7071 S. 13th Street, Suite 100
Oak Creek, WI 53154
Attorney for movant

Michelson Law Office

/s/ Abraham Michelson
By: _____

Abraham Michelson, #1054794
PO Box 67
617 6th Street
Racine, WI 53401-0067
Attorney for Patrick and Hope Souter

Chapter 13 Trustee

By:  Judith Du Sell
2022-06-07 07:24:29

Scott Lieske
PO Box 510920
Milwaukee, WI 53203